

CASE CV0276A

#226  
16 2003  
11/10/03

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

John M. Kilcoyne  
Type or print name

*John M. Kilcoyne*  
Signature

June 16, 2003  
Date

RECEIVED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JUN 20 2003  
TECH CENTER 1600/2900

IN RE APPLICATION OF

Art Unit: 1632

Stewart A. Cederholm-Williams

Examiner: S.L. Chen

APPLICATION NO: 09/334,325

FILED: June 16, 1999

FOR: FIBRIN SEALANT AS A TRANSFECTION/TRANSFORMATION VEHICLE FOR GENE THERAPY

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SUPPLEMENTAL RESPONSE

Sir:

Further in response to the Official Action mailed on March 12, 2003, the attached Supplemental Application Data Sheet is submitted. The action indicated that a new oath was required to list the provisional applications under a section for 35 USC §119(e) and not under the section for 35 USC §120.

As noted in the amendment filed June 12, 2003, for this application, the inventor on this application has died. Accordingly, the undersigned reviewed the oath in this application and how to satisfy the requirement of the Examiner. The review included a review of MPEP §601.05 and 37 CFR §§1.63, 1.67 and 1.76. It is clear from this review that errors regarding certain aspects of the oath, including the priority claim (but not, for example, inventorship errors), can be made by submitting a Supplemental Application Data Sheet. Accordingly, a Supplemental Application Data Sheet is submitted herewith.

The information on the Supplemental Data Sheet that is different from the information already on file is:

(1) that the inventor is deceased; and

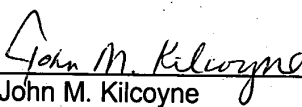
(2) that the provisional applications are listed under "Domestic Priority". (It is noted that in preparing the Supplemental Application Data Sheet, the undersigned used, as a template, the data sheet in Example 3 of the "Patent Application Data Sheet Format: Guide for Submitting Bibliographic Data for Patent Applications", dated April 15, 2003. That example did not specify the sections of 35 USC under which priority is claimed. Rather, the Example simply grouped "Domestic Priority Information" and "Foreign Priority Information". On the original oath for this application, the provisional applications were, in a sense, also listed under domestic priority. Unfortunately, the form for the oath had not been updated to include provisional applications under a section for 35 USC §119(e).)

It is believed that this should satisfy the requirement of the Examiner. If there are any questions, the Examiner is cordially invited to contact the undersigned.

Once again, reconsideration of this application and allowance thereof with claims 1 and 13-17 are respectfully solicited.

Respectfully submitted,

Bristol-Myers Squibb Company  
Patent Department  
100 Headquarters Park Drive  
Skillman, NJ 08558  
(908) 904-2372

  
\_\_\_\_\_  
John M. Kilcoyne  
Attorney for Applicant  
Reg. No. 33,100

Date: June 16, 2003